

REMARKS

Claims 1-36 were pending and presented for examination and in this application. In an Office Action dated September 26, 2007, claims 1-35 were rejected and claim 36 was allowed. Applicants address the Examiner's comments below and respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

Response to Rejections

On page 8 of the Office Action, the Examiner indicates that Applicants' arguments filed on June 20, 2007 concerning the rejection applied to claim 36 is found persuasive. Specifically, the Examiner indicates that Barr does not teach performance data as claimed. The other cited references also fail to disclose the claimed feature. Therefore, the Examiner has indicated that claim 36 is allowed. New claim 37 recites a computer-readable storage medium and includes claim language similar to allowed claim 36. Therefore claim 37 should also be in condition for allowance.

Independent claims 1 and 18 have been amended to now recite the limitation:

...indexing at least some of the event data and the file associated with the event to a searchable index at a time after the occurrence of the event, wherein the time is **based on performance data indicating a readiness to process the event and the position in the queue...**

As the Examiner suggests by the allowance of claim 36, the cited references each fail to disclose or suggest indexing at a time "...based on performance data indicating a readiness to process the event and the position in the queue..." Therefore, claims 1 and 18 should also now be allowable for at least the same reasons as allowed claim 36. The dependent claims incorporate all the limitations of their respective base claims and should also now be

patentable over the cited references. Applicants respectfully request that the Examiner withdraw the rejections to the claims and issue a notice of allowance.

Conclusion

In sum, Applicants respectfully submit that claims 1-34 and 36-39, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration of the rejections to these claims and request allowance of them. In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
David B. Auerbach, et al.

Date: December 26, 2007

By: /Jason E. Amsel/
Jason E. Amsel, Patent Agent
Registration No. 60,650
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7692
Fax: (650) 938-5200